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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,953	01/15/2002	Mark O'Neill	6544-1004	5238

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EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,953

Applicant(s)

O'NEILL, MARK

Examiner

David G. Cervetti

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/8/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

AS

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on February 8, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 440, 450 (figure 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kraft (US Patent Number: 6,880,107).**

Regarding claim 8, Kraft teaches a method of authenticating the validity of any changes or updates to an electronic document which contains configuration settings (column 6, lines 10-20), the method comprising the steps of: a) associating a configuration file with an electronic signature (column 5, lines 14-67, column 6, lines 10-35), and b) referencing the configuration file, the referencing of the configuration file being effected to retrieve instructions as to how a specific task should be conducted (column 5, lines 14-67, column 6, lines 10-35), and c) verifying the electronic signature associated with the configuration file, and wherein once verified, a use of the configuration settings stored within the configuration file is allowed (column 6, lines 50-67).

Regarding claim 9, Kraft teaches disabling use of the configuration settings stored within the configuration file if the step of verifying the electronic signature with the configuration effects a failed verification (column 6, lines 50-67, column 7, lines 1-25).

Regarding claim 10, Kraft teaches authenticating a digital certificate associated with the electronic signature (column 6, lines 50-67, column 7, lines 1-25).

Regarding claim 11 Kraft teaches wherein the digital signature associated with the configuration file is the signature of the last user to edit the configuration file (column 4, lines 19-50, column 6, lines 1-49).

Regarding claim 12 Kraft teaches a computer system adapted to provide an improved security of configuration files (figure 2), the system comprising: a) a input/output module adapted to receive instructions from a user and furnish a response to those instructions (column 6, lines 1-49), b) a processor adapted to effect the processing of instructions contained within a configuration file (column 6, lines 1-49), c) a datastore adapted to store a configuration document during periods when the configuration information is not required (column 5, lines 50-67), d) a file system memory adapted to effect a retrieval of the stored configuration document prior to processing of the configurations instructions contained within the configuration document (column 6, lines 50-67, column 7, lines 1-25) and, wherein the retrieval of a document from the datastore and extraction of the instructions contained within that document is effected only after verification of an electronic signature associated with that document (column 8, lines 1-26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft, and further in view of Matsumoto et al. (US Patent Number: 5,465,299).**

Regarding claim 1, Kraft teaches a method of signing a configuration file having one or more configuration settings (column 6, lines 10-20), the method comprising the steps of: b) storing the configuration file, and wherein the creation of the configuration file effects the association of a electronic signature with the configuration file, the electronic signature being uniquely identifiable with the user who created the file (column 5, lines 14-67, column 6, lines 10-35). Kraft does not expressly disclose a) enabling a user to create a configuration file, the configuration file having a series of configuration settings contained therein. Kraft's system operates on already created files that are on an authorized state (figure 1). However, Matsumoto et al. teach creating new versions of documents and new digital signatures of documents (column 8, lines 22-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to create new configuration files and new digital signatures associated with new files. One of ordinary skill in the art would have been motivated to do so because the use of digital signatures to monitor/authenticate changes to files/documents was well known in the art, and to extend its use to

authenticate/monitor changes to configuration files to provide for auditing would have been obvious.

Regarding claim 2, the combination of Kraft and Matsumoto et al. teaches the limitations as set forth under claim 1 above. Furthermore, Kraft teaches wherein the creation of a configuration file comprises the editing of a pre-existing configuration file (column 5, lines 50-67, column 6, lines 1-49).

Regarding claim 3, the combination of Kraft and Matsumoto et al. does not expressly disclose wherein the creation of a configuration file comprises the creation of a new configuration file. However, Matsumoto et al. teach wherein the creation of a configuration file comprises the creation of a new version of a file (column 8, lines 22-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to create a new configuration file. One of ordinary skill in the art would have been motivated to do so because creating configuration files for applications was well known in the art.

Regarding claim 4, the combination of Kraft and Matsumoto et al. teaches the limitations as set forth under claim 1 above. Furthermore, Kraft teaches wherein the electronic signature is incorporated with the document which it signs (column 2, lines 43-61, column 6, lines 1-49).

Regarding claim 5, the combination of Kraft and Matsumoto et al. teaches the limitations as set forth under claim 1 above. Furthermore, Kraft teaches wherein the electronic signature is referenced by the document which it signs (column 2, lines 43-61, column 6, lines 1-49).

Regarding claim 6, the combination of Kraft and Matsumoto et al. teaches the limitations as set forth under claim 1 above. Furthermore, Kraft teaches wherein the electronic signature utilizes an asymmetric signature type signature (column 2, lines 43-61, column 6, lines 1-49).

Regarding claim 7, the combination of Kraft and Matsumoto et al. teaches the limitations as set forth under claim 1 above. Furthermore, Kraft teaches wherein the electronic signature utilizes a symmetric signature type (column 2, lines 43-61, column 6, lines 1-49).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft as applied to claim 12 above, and further in view of Koehler (US Patent Number: 6,301,658).


Regarding claim 13, Kraft does not expressly disclose a certificate authentication means, the certificate authentication means adapted to authenticate a certificate associated with the signature. However, Koehler teaches a certificate authentication means, the certificate authentication means adapted to authenticate a certificate associated with the signature (column 5, lines 20-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a certificate associated with the digital signature for authentication. One of ordinary skill in the art would have been motivated to do so because the use of certificates to authenticate digital signatures was well known in the art (Koehler, column 2, lines 34-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


6/10/05

DGC